

REMARKS

Applicant requests the Examiner enter the arguments and new claims filed on July 23, 2003.

Additionally, Applicant requests the Examiner reconsider Applicant's arguments and discussions set forth in the July 23, 2003 Amendment under 37 C.F.R. § 1.116, regarding the rejection of the pending claims. In further support of those arguments, and in response to the Examiner's comments, set forth in the August 11, 2003 Advisory Action, Applicant submits the following supporting discussion.

First, Applicant notes the Examiner's statement in the Advisory Action, where the Examiner states that "Examiner notes that Hardwick discloses a fiber optic ribbon (Hardwick's title)." Applicant acknowledges that Hardwick peripherally mentions fiber optic ribbons, but Hardwick is actually directed to "*STACKS OF OPTICAL FIBER RIBBONS CLOSELY BOUND BY RESPECTIVE BUFFER ENCASEMENTS, ASSOCIATED METHODS AND ASSOCIATED FIBER OPTIC CABLES.*" *See* Title (emphasis added). Thus, Hardwick is not directed to fiber optic ribbons, as is the present invention, but it is directed to "stacks" of ribbons being bound together. Because of this, the disclosure of Hardwick has little or no relevance to the present invention. Applicant refers the Examiner to Applicant's discussion and arguments regarding this issue in the July 23, 2003 Amendment.

Second, Applicant also acknowledges the Examiner's statement in the Advisory Action, that the Examiner is still interpreting the term "bonded" broadly. However, as set forth by the Applicant in the July 23, 2003 Amendment, Applicant submits that this interpretation is impermissibly broad. It is understood that an Examiner may interpret a claim term broadly,

however, the Examiner is limited to the “broadest reasonable interpretation.” *See* MPEP § 2111 (emphasis added). As set forth in the July 23, 2003 Amendment, Applicant submits that the Examiner’s interpretation of the term “bonded” to include the disclosure of Hardwick is unreasonable, as that term is understood by one of ordinary skill in the art.

Moreover, Applicant provides the Examiner with the following independent discussions regarding some of the pending claims:

Claims 5 and 16:

With regard to claims 5 and 16, the Examiner asserts that there is a “means for separating” the extensions from the core. However, Applicant notes that the Examiner has recited nothing, nor identified anything, in Hardwick which satisfies this limitation. Applicant notes that on page 3 of the April 23, 2003 Office Action, the Examiner provides no recitation in Hardwick for the means for separating. In fact, because the groups of ribbons **30** are merely held in place in contact with the central member **120d**, there is no need for a “means for separating.” As such, Applicant submits that there is no “means for separating” disclosed within Hardwick.

In view of the foregoing, Applicant submits for at least this reason, claims 5 and 16 are allowable over the Hardwick reference.

Further, if the Examiner continues to maintain the rejection of claims 5 and 16 as being anticipated by Hardwick, Applicant hereby respectfully requests that the Examiner specifically identify a “means for separating” as this is used in the above claims.

Claims 10-11 and 21-22:

With regard to claims 10-11 and 21-22, Applicant notes that, contrary to the Examiner's assertions, there is no disclosure of any kind, that either the central member **120d** or the stacks **30** comprise a "strength member". In fact, in Hardwick, the strength members **122** are clearly disclosed outside of the stacks **30** and central member **120d**. As shown in Figure 26, there is a central ribbon stack **30** and a longitudinal extending central member **120d**. However, neither of which are known as a "strength member" as this term is known and used in the field of the present invention. Applicant submits that a ribbon stack **30** is not known as, nor can it be used as a "strength member" of the present invention, as it is the optical fibers which are to be protected by a strength member, not used as a strength member.

In view of the foregoing, Applicant submits for at least this reason, claims 10-11 and 21-22 are allowable over the Hardwick reference.

Further, if the Examiner continues to maintain the rejection of claims 10-11 and 21-22 as being anticipated by Hardwick, Applicant hereby respectfully requests that the Examiner specifically identify the "strength member" as this is used in the above claims.

Claim 23:

As with the previous claims, Applicant notes that the Examiner has provided no disclosure regarding a cable having a "plurality" of ribbon structures as claimed in claim 23. Even if it were assumed that the Examiner's assertions regarding the central portion **120d** and the stacks **30** were correct (which is simply not the case), it only, at best, discloses a single "unit" as identified by the Examiner. There is no disclosure of a plurality of these units. As such there

is no disclosure, at all of claim 23. Stated differently, in rejecting claim 1, the Examiner asserts that the combination of the plurality of ribbon stacks **30** and the central portion **120d** is a “ribbon” of the present invention. If this is the case, then there is no disclosure, within Hardwick, of a cable with a “plurality” of these “ribbons” as asserted by the Examiner. In fact, the embodiment shown in Figure 26 is an entire cable assembly, and not a cable with a plurality of “ribbons” as argued by the Examiner. Thus, Applicant submits that the Examiner’s assertion that the entire cable in Figure 26 is a single ribbon of the present invention (*see* the Examiner’s comments in the April 23, 2003 Office Action) precludes, and renders ineffective, the Examiner’s assertion that this very same cable assembly is the cable of claim 23.

In view of the foregoing, Applicant submits for at least this reason, claim 23 is allowable over the Hardwick reference.

Further, if the Examiner continues to maintain the rejection of claim 23 as being anticipated by Hardwick, Applicant hereby respectfully requests that the Examiner specifically identify the cable having a plurality of the ribbons of the present invention.

Claims 25-28:

Additionally, Applicant notes that with regard to claims 25-28, there is no disclosure of the stacks **30** being formed “integrally” or as a “single unit” with the central portion **120d**. As clearly shown within the Figures, the stacks merely butt up against a surface of the central portion **120d**. As such, the stacks **30** are not bonded, adhered, made integrally, or made as a single unit with the central portion **120d**, in any way.

In view of the foregoing, Applicant submits for at least this reason, claims 25-28 are allowable over the Hardwick reference.

Further, if the Examiner continues to maintain the rejection of claims 25-28 as being anticipated by Hardwick, Applicant hereby respectfully requests that the Examiner specifically identify where the stacks **30** are made integrally with anything.

Claims 6 and 17:

Applicant respectfully incorporates herein the discussions set forth in Applicant's July 23, 2003 Amendment with regard to these claims, and submits that for at least these reasons, these claims are not obvious under 35 U.S.C. § 103(a).

New Claims 29-32:

Applicant also notes that new claims 29-32 are also allowable for obvious reasons. Namely there is no disclosure of having the components formed integrally or being co-extruded.

If the Examiner wishes to reject claims 29-32 as being anticipated or obvious in view of Hardwick, Applicant hereby respectfully requests that the Examiner specifically identify where the stacks **30** are made integrally or are co-extruded with anything.

Conclusion:

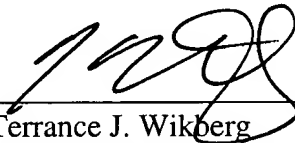
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

PRELIMINARY RESPONSE UNDER 37 C.F.R. § 1.114
U.S. Application No.: 09/897,386

Our Ref.: A7977
Art Unit: 2839

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Terrance J. Wikberg
Registration No. 47,177

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 17, 2003